

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

APPLE INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 22-1378-MN
	)	
MASIMO CORPORATION and	)	<b>JURY TRIAL DEMANDED</b>
SOUND UNITED, LLC,	)	
	)	
Defendants.	)	
	)	
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MASIMO CORPORATION and	)	
CERCACOR LABORATORIES, INC.,	)	
	)	
Counter-Claimants,	)	
	)	
v.	)	
	)	
APPLE INC.,	)	
	)	
Counter-Defendant.	)	

**[PROPOSED] ORDER GRANTING PLAINTIFF APPLE INC.’S MOTION TO**

- (1) SEVER MASIMO’S 16 UNRELATED ANTITRUST, FALSE ADVERTISING, AND PATENT INFRINGEMENT COUNTERCLAIMS AND**
- (2) STAY MASIMO’S PATENT INFRINGEMENT COUNTERCLAIMS RELATED TO OTHER INFRINGEMENT COUNTERCLAIMS ALREADY STAYED PURSUANT TO 28 U.S.C. § 1659**

Before the Court is Plaintiff and Counterclaim-Defendant Apple Inc.’s Motion to Sever and Stay. The Court, having considered the motion and finding good cause, grants the motion.

Accordingly, it is ordered that (1) Masimo’s antitrust, false advertising, and patent infringement counterclaims (i.e., the First through Sixteenth Counts) are severed and (2) Masimo’s patent infringement counterclaims related to those the Court has already stayed pursuant to 28 U.S.C. § 1659 (i.e., the Tenth, Twelfth, Fourteenth, Fifteenth, and Sixteenth Counts) are stayed.

IT IS SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2023.

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The Honorable Maryellen Noreika  
United States District Court Judge

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